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Fifty-eighth session
Agenda item 17 (a)

PROMOTION AND PROTECTION OF HUMAN RIGHTS: STATUS OF INTERNATIONAL COVENANTS ON HUMAN RIGHTS

Letter dated 25 April 2002 from the Permanent Representative of Saudi Arabia to the United Nations Office at Geneva addressed to the Chairperson of the fifty-eighth session of the Commission on Human Rights

On behalf of the delegations listed in the annex, I have the honour to request that the attached joint statement* be circulated as an official document of the fifty-eighth session of the Commission on Human Rights under agenda item 17 (a).

(Signed) Abdulwahab ATTAR
Ambassador
Permanent Representative

* Reproduced as received, in English only.

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Annex

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JOINT STATEMENT ON THE QUESTION OF THE DEATH PENALTY

(List of Co-sponsoring Delegations as in Annex)

We would like to place on record our disassociation from Commission on Human Rights resolution E/CN.4/2002/L.104 on the question of the death penalty for the following reasons:

(a) There is no international consensus that capital punishment should be abolished. Article 6, paragraph 2, of the International Covenant on Civil and Political Rights states that "sentence of death may be imposed only for the most serious crimes". This view was reflected in the joint statement contained in the document E/CN.4/2001/161 and E/CN.4/2001/161/Corr.1, in which 61 delegations disassociated themselves from a Commission on Human Rights resolution 2001/68. This view was also reflected in (i) the joint statement contained in E/CN.4/2000/162, in which 51 delegations disassociated themselves from a Commission on Human Rights resolution 2000/65 (ii) the joint statement contained in the ECOSOC document E/1999/113 in which 50 delegations disassociated themselves from the Commission on Human Rights Resolution 1999/61, (iii) the joint statement contained in document E/1998/95 in which 54 delegations disassociated themselves from a Commission on Human Rights resolution 1998/8, (iv) the joint letter contained in document E/CN.4/1998/156 in which 51 delegations expressed their reservations prior to the adoption of the Commission on Human Rights resolution 1998/8, and (v) the joint statement contained in document E/1997/106 in which 34 delegations disassociated themselves from a similar Commission on Human Rights resolution 1997/12.

(b) At the 54th UNGA in New York, a large majority of delegations disapproved of a draft resolution on the death penalty tabled by the EU. As a result, its co-sponsors decided to withdraw the EU draft resolution.

(c) In his statement to the plenary of the Rome Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court on 17 July 1998, the President of the Conference declared that the debate at the Conference on the issue of which penalties should be applied by the Court showed that there is no international consensus on the inclusion or non-inclusion of the death penalty, and further that not including the death penalty in the Rome Statute would not in any way have a legal bearing on national legislations and practices with regard to the death penalty, nor should it be considered as influencing, in the development of customary international law or in any other way, the legality of penalties imposed by national systems for serious crimes.

(d) Capital punishment has often been characterised as a human rights issue in the context of the right of the convicted prisoner to life. However, this must be weighed against the rights of the victims and the right of the community to live in peace and security.

(e) Every State has an inalienable right to choose its political, economic, social, cultural and legal systems, without interference in any form by another State. Furthermore, the purposes and principles of the Charter of the United Nations, in particular, Article 2, paragraph 7, clearly stipulates that nothing in the Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State. Accordingly, the question of whether to retain or abolish the death penalty should be carefully studied by each State, taking fully into account the sentiments of the people and the state of crime and criminal policy. It is inappropriate to make a universal decision on this question or to propose such action in the forum of an international organisation.

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Annex

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List of co-signatories:

Joint Statement on the Question of the Death Penalty

1 People's Democratic Republic of Algeria
2 Antigua and Barbuda
3 Commonwealth of the Bahamas
4 State of Bahrain
5 People's Republic of Bangladesh
6 Barbados
7 Republic of Benin
8 Republic of Botswana
9 Brunei Darussalam
10 Republic of Burundi
11 People's Republic of China
12 Islamic Federal Republic of the Comoros
13 Arab Republic of Egypt
14 Republic of Equatorial Guinea
15 State of Eritrea
16 Federal Democratic Republic of Ethiopia
17 Gabonese Republic
18 Republic of Ghana
19 Grenada
20 Republic of Guyana
21 Republic of Indonesia
22 Islamic Republic of Iran
23 Republic of Iraq
24 Jamaica
25 Japan
26 Hashemite Kingdom of Jordan
27 Republic of Kazakhstan
28 Republic of Kenya
29 Democratic People's Republic of Korea
30 State of Kuwait
31 Lao People's Democratic Republic
32 Republic of Lebanon
33 Socialist Peopie's Libyan Arab Jamahiriya

34 Republic of Malawi
35 Malaysia
36 Republic of Maldives
37 Islamic Republic of Mauritania
38 Mongolia
39 Union of Myanmar
40 Sultanate of Oman
41 Republic of the Philippines
42 State of Qatar
43 Republic of Rwanda
44 Saint Lucia
45 Saint Kitts and Nevis
46 Kingdom of Saudi Arabia
47 Republic of Sierra Leone
48 Republic of Singapore
49 Republic of the Sudan
50 Republic of Suriname
51 Kingdom of Swaziland
52 Arab Republic of Syria
53 United Republic of Tanzania
54 Kingdom of Thailand
55 Republic of Togo
56 Kingdom of Tonga
57 Republic of Trinidad and Tobago
58 Republic of Malawi
59 United Arab Emirates
60 Socialist Republic of Vietnam
61 Republic of Yemen
62 Republic of Zimbabwe